

PSCI 3007 - A
Constitutional Politics in Canada
6:05 p.m. – 8:55 p.m. Thursdays
Southam Hall 413

Instructor: Pierre Coulombe
Office: B646 Loeb Building
Office Hours: Thursday 5:00 p.m. – 6:00 p. m.
Phone: (613) 520-2600 ext. 1598
Email: pcoulomb@connect.carleton.ca

Course description

- This course explores political issues related to the Canadian Constitution. The objective is to engage students in critical thinking about these issues.

Approach and Structure

- The course combines lectures, group interactions and readings as a learning approach. In general, it will be structured as follows:
 - First hour: lecture
 - 15 minute break
 - Second hour: group discussions
 - 15 minute break
 - Third hour: plenary and instructor's conclusion

Texts

- There is one required textbook, available for purchase at the University Bookstore: Peter H. Russell, *Constitutional Odyssey – Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 2004)
- Materials listed below, and others to be added, will be placed on reserve at the Library.

Evaluation

- Research proposal 15%
 - The research proposal outlines what you plan to do in your paper. It consists of a brief description of the issue, a thesis statement (or a question you are asking and will attempt to answer in your paper), a sketch of the arguments and a preliminary bibliography. The proposal is no longer than 250 words (approximately one page) plus an appended bibliography. It is due on February 7, 2008 and should be submitted at the start of the class. The choice of topic is open as long as it is directly related to the theme of the course.

- Paper 40%
 - The paper is the final product of your research as outlined in your proposal. It should count at least 3000 words and not exceed 5000 words (approximately 12-16 pages). It is due on March 27, 2008 and should be submitted at the start of the class.
- Final exam 45%
 - The final exam will test knowledge of material covered in lectures, discussions and assigned readings by way of essay, short-answer and multiple-choice questions. It will be scheduled during the formal exam period (April 11 – 29, 2008).

Lateness policy

- Unless an extension was granted, late assignments will lose one grade per late day (weekends count for one day). For example, an A grade is lowered to an A- grade if one day late, to a B+ grade if two days late, etc. More than 7 days late, assignments will not be accepted.

Schedule

- January 10 – Introduction
- January 17 – Constitutions and constitutionalism
 - Leslie Lipson, *The Great Issues of Politics* (Englewood Cliffs: Prentice-Hall, 1993), chapter 9 “The Freedom of the Governed”
- January 24 – Overview of the Canadian Constitution
 - Read the *Constitution Act, 1867* and the *Constitution Act, 1982* (available online at <http://laws.justice.gc.ca>)
 - Russell: chapter 3 “Confederation”
 - Patrick Monahan, *Constitutional Law* (Toronto: Irwin Law, 2006), chapter 1 “An Introduction to the Study of the Canadian Constitution”
- January 31 – The division of powers
 - Read the *Constitution Act, 1867*, especially sections 91, 92, 93, 94, 95.
 - Russell: chapter 4 “Provincial Rights”
- February 7 – Amending the Constitution (research proposal due)
 - Read the amending formula (Part V of the *Constitution Act, 1982*, available online at <http://laws.justice.gc.ca>)
 - Russell: chapter 5 “An Autonomous Community”, chapter 6 “Mega Constitutional Politics, Round One: Fulton-Favreau to Victoria” and chapter 8 “Round Three: Patriation”
- February 14 – Balancing the power of the state and rights and freedoms
 - Read the *Canadian Charter of Rights and Freedoms* (available online at <http://laws.justice.gc.ca>)
 - Russell: chapter 8 “Round Three: Patriation”
 - Ian Greene, *The Charter of Rights* (Toronto: James Lorimer, 1989), chapter 2, “The Charter”
- February 21 - Winter break – class suspended

- February 28 – Sovereignty of governments, sovereignty of the people
 - Russell: chapter 1 “The Question of Our Time” and chapter 2 “The Sovereignty of the People”
 - Russell: chapter 11 “The Canada Round II: The Sovereign People Say No”
 - Samuel LaSelva, *The Moral Foundations of Canadian Federalism* (Montreal: McGill-Queen’s University Press, 1996), chapter 5 “Nation-Saving or Nation-Destroying: The Impact of the Charter of Rights on Canadian Federalism”

- March 6 – Constitutional recognition
 - Alan C. Cairns, “Citizens (outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake”, in Alan C. Cairns, *Disruptions: Constitutional Struggles, from the Charter to Meech Lake* (Toronto: McClelland & Stewart, 1991)
 - Charles Taylor, *Philosophical Arguments* (Cambridge: Harvard University Press, 1995), chapter 12 “The Politics of Recognition”

- March 13 - Mega constitutional politics
 - Read the *Constitutional Amendment, 1987* (Meech Lake Accord) (available online at <http://www.thecanadianencyclopedia.com>)
 - Russell: chapter 9 “Round Four: Meech Lake”, chapter 10 “The Canada Round I”, and “Appendix: Consensus Report on the Constitution. Charlottetown, August 28, 1992”

- March 20 – Judicial review
 - F.L. Morton, ed., *Law, Politics and the Judicial Process in Canada* (Calgary: University of Calgary Press, 2002), chapter 10 “Judicial Review and Federalism” and chapter 11 “Judicial Review and Civil Liberties”

- March 27 – Case study: Senate Reform
 - Jack Stilborn, *The Senate Reform Proposals in Comparative Perspective* (Library of Parliament, November 1992, Background Paper BP-316E), available online at <http://dsp-psd.pwgsc.gc.ca>

- April 3 – Conclusion: Looking ahead
 - Russell: chapter 12 “Canada Returns to Constitutional Normalcy”

Please read: Important information

For Students with Disabilities: Students with disabilities requiring academic accommodations in this course are encouraged to contact the Paul Menton Centre (PMC) for Students with Disabilities (500 University Centre) to complete the necessary forms. After registering with the PMC, make an appointment to meet with the instructor in order to discuss your needs **at least two weeks before the first in-class test or CUTV midterm exam**. This will allow for sufficient time to process your request. Please note the following deadline for submitting completed forms to the PMC for formally scheduled exam accommodations: **March 14th, 2008** for April examinations.

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Plagiarism: The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at:
<http://www.carleton.ca/polisci/undergrad/Essay%20Style%20Guide.html>

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

Submission and Return of Term Work: Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

Approval of final grades: Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Course Requirements: Students must fulfill all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Connect Email Accounts: The Department of Political Science strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Connect email system. See <http://connect.carleton.ca> for instructions on how to set up your account.